

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION

LISA BARKLEY,)	
)	
Plaintiff,)	CIVIL ACTION FILE
)	NO. _____
v.)	
)	
PEYTON MEARL LeBLEU,)	
YARBROUGH TRANSFER)	
COMPANY and HARTFORD FIRE)	
INSURANCE COMPANY,)	
)	
Defendants.)	

NOTICE OF REMOVAL

COME NOW defendants and, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, file this notice of removal within the time prescribed by law, showing the Court as follows:

1.

On August 12, 2021, plaintiff Lisa Barkley filed a complaint in the State Court of Spalding County, Georgia, Civil Action File No. 21SV-256. Spalding County is within the Newnan Division of the Northern District of Georgia.

2.

This notice of removal is filed within the time period prescribed by 28 U.S.C. § 1446(3).

3.

A true and correct copy of all process, pleadings, and orders filed in connection with this action is attached hereto as Exhibit A. Defendants have no knowledge of any other process, pleadings, or orders filed or served in connection with this action, other than those attached hereto.

4.

This Court has original jurisdiction over the above-referenced case under 28 U.S.C. § 1332.

5.

There is complete diversity among the parties.

6.

Plaintiff is a citizen of Georgia. (Compl. ¶ 6.)

7.

Defendant Peyton Mearl LeBleu resides in North Carolina. (Compl. ¶ 1.) Accordingly, Mr. LeBleu is a citizen of North Carolina for purposes of diversity jurisdiction. 28 U.S.C. § 1332(a)(1).

8.

Defendant Yarbrough Transfer Company ("Yarbrough") is corporation formed and existing under the laws of North Carolina and has its principal place of

business in North Carolina. (Compl. ¶ 3.) Accordingly, Yarbrough is a citizen of North Carolina for purposes of diversity jurisdiction. 28 U.S.C. § 1332(c)(1).

9.

Defendant Hartford Fire Insurance Company ("Hartford") is a foreign insurance company formed and existing under the laws of Connecticut and has its principal place of business in Connecticut. (Compl. ¶ 5.) Accordingly, Hartford is a citizen of Connecticut for purposes of diversity jurisdiction. 28 U.S.C. § 1332(c)(1).

10.

Defendants make a plausible allegation that plaintiff is seeking recovery in an amount in excess of \$75,000, exclusive of interest and costs. *Dart Cherokee Basin Operating Co. v. Owens*, 574 U.S. 81 (2014). Specifically, plaintiff seeks general damages for alleged physical and mental pain and suffering and special damages for alleged medical expenses totaling \$175,566.00. (Compl. ¶¶ 16, 17.)

11.

The undersigned has read this notice of removal, and to the best of the undersigned's knowledge, information, and belief, formed after reasonable inquiry, it is well-grounded in fact, is warranted by existing law, and is not interposed for any

improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

WHEREFORE, this notice of removal having been filed, said action shall proceed in the United States District Court for the Northern District of Georgia, Newnan Division, and no further proceedings shall be held in said case in the State Court of Spalding County.

STONE KALFUS LLP

/s/ Matthew P. Stone

Matthew P. Stone

Georgia Bar No. 684513

matt.stone@stonekalfus.com

Shawn N. Kalfus

Georgia Bar No. 406227

shawn.kalfus@stonekalfus.com

Attorneys for Defendants

One Midtown Plaza
1360 Peachtree Street NE
Suite 1250
Atlanta, GA 30309
(404) 736-2600 (telephone)
(877) 736-2601 (facsimile)

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing *Notice of Removal* to the Clerk of Court using the CM/ECF system which will automatically send electronic mail notification of such filing to counsel and parties of record who are CM/ECF participants and mailed by United States Postal Service, first-class, postage prepaid, a paper copy of the same document to counsel and parties of record as follows:

John H. Peavy, Jr.
Peavy Law, LLC
One Atlantic Center
1201 W. Peachtree Street, Suite 2300
Atlanta, Georgia 30309

Tim C. Cramer
Cramer & Peavy
P.O. Box 58
Griffin, Georgia 30224

This 10th day of September, 2021.

/s/ Matthew P. Stone

Matthew P. Stone
Georgia Bar No. 684513

Stone Kalfus LLP
One Midtown Plaza
1360 Peachtree Street NE
Suite 1250
Atlanta, GA 30309
(404) 736-2600 (telephone)
(877) 736-2601 (facsimile)JOHN